

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

KEVIN A. TOLLIVER,

Plaintiff,

v.

Case No. 2:16-cv-1020

Judge Edmund A. Sargus, Jr.

Magistrate Judge Kimberly A. Jolson

ABDUL RAHMAN SHAHID,

Defendant.

ORDER

This matter is before the Court on Plaintiff Kevin Tolliver's Omnibus Motion in Limine. (Mot., ECF No. 236.) Mr. Tolliver moved under Federal Rules of Evidence 401, 403, and 609 to exclude from trial certain testimony and other evidence of his (1) unrelated civil lawsuits, grievances, and disciplinary record, and (2) conviction, sentence, and facts underlying his conviction and sentence. (*Id.*) Defendant Abdul Rahman Shahid opposed. (Opp., ECF No. 238.)

The Court held a final pretrial conference on September 22, 2023. (ECF No. 244.) As it may, the Court deferred ruling on the Motion so that questions of foundation, relevancy, and potential prejudice could be resolved in the context of trial. *See Henricks v. Pickaway Corr. Inst.*, No. 2:08-CV-580, 2016 WL 4577800, at *2 (S.D. Ohio Sept. 2, 2016) (Marbley, J.). The case proceeded to trial on October 2, 2023, and concluded the next day. (ECF Nos. 249, 250.) The Court ruled on Mr. Tolliver's Motion on the record at trial.

This Order memorializes the Court's rulings on the Motion. The Motion is **GRANTED** as to evidence of Mr. Tolliver's conviction and sentence, which was excluded under Federal

Rule of Evidence 403. *See* Fed. R. Evid. 609(a)(1)(A). The Motion is otherwise resolved in accordance with the trial record.

IT IS SO ORDERED.

10/4/2023
DATE

s/Edmund A. Sargus, Jr.
EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE